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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 865,942	05 25 2001	Wilson Tam	CL1253 USDIV	7909

23906 7590 01/30/2002

E I DU PONT DE NEMOURS AND COMPANY  
LEGAL PATENT RECORDS CENTER  
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WILMINGTON, DE 19805

EXAMINER

TRUONG, DUC

ART UNIT	PAPER NUMBER
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1711

14

DATE MAILED: 01/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/865,942

Applicant(s)

Tam et al.

Examiner

Duc Truong

Art Unit

1711



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.

If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.

If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.

Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) Responsive to communication(s) filed on \_\_\_\_\_

2a) This action is **FINAL**. 2b) ☒ This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1-62 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) \_\_\_\_\_ is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) ☒ Claims 1-62 are subject to restriction and/or election requirement.

## Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.

12) The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a ☐ All b ☐ Some c ☐ None of:

1 Certified copies of the priority documents have been received.

2 Certified copies of the priority documents have been received in Application No. \_\_\_\_\_

3 Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

15 Notice of References Cited (PTO 892)

18 Interview Summary (PTO 413) Paper No(s)

16 Notice of Draftsperson's Patent Drawing Review (PTO 948)

19 Notice of Informal Patent Application (PTO 152)

17 Information Disclosure Statement(s) (PTO 1449) Paper No(s)

20 Other

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Claims 1-10 and 22-33 should be cancelled since they are already allowed from the parent case.

The restriction is carried over from the parent case.

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 11-21 and 34, drawn to a polymeric composition and method of making, classified in class 528, subclass 398.
- II. Claims 35-49, drawn to a process of making a different polymeric composition, classified in class 528, subclass 491.

New claims 50-62 have been added:

- III. Claims 50-62, drawn to another polymeric composition, classified in class 528, subclass 287.

The inventions are distinct, each from the other because:

Inventions (I or II) and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are based on different reactants under different steps of the process.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently

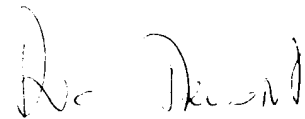
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named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication should be directed to Duc Truong at telephone number (703) 308-2437.

Duc Truong

January 22, 2002



DUO TRUONG  
PRIMARY EXAMINER